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E.O. 12958: N/A
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SUBJECT: BOSNIA AND HERZEGOVINA -- 2009 TIP REPORT: PRESS
GUIDANCE AND DEMARCHE

11. This is an action cable; see paras 5 through 7 and 10.
12. On June 16, 2009, at 10:00 a.m. EDT, the Secretary will release the 2009 Trafficking in Persons (TIP) Report at a press conference in the Department's press briefing room. This release will receive substantial coverage in domestic and foreign news outlets. Until the time of the Secretary's June 16 press conference, any public release of the Report or country narratives contained therein is prohibited.
13. The Department is hereby providing Post with advance press guidance to be used on June 16 or thereafter. Also provided is demarche language to be used in informing the Government of Bosnia and Herzegovina of its tier ranking and the TIP Report's imminent release. The text of the TIP Report country narrative is provided, both for use in informing the Government of Bosnia and Herzegovina and in any local media release by Post's public affairs section on June 16 or thereafter. Drawing on information provided below in paras 8 and 9, Post may provide the host government with the text of the TIP Report narrative no earlier than 1200 noon local time Monday June 15 for WHA, AF, EUR, and NEA countries and OOB local time Tuesday June 16 for SCA and EAP posts. Please note, however, that any public release of the Report's information should not/precede the Secretary's release at 10:00 am EDT on June 16.
14. The entire TIP Report will be available on-line at www.state.gov/g/tip shortly after the Secretary's June 16 release. Hard copies of the Report will be pouched to posts in all countries appearing on the Report. The Secretary's statement at the June 16 press event, and the statement of and fielding of media questions by G/TIP's Director and Senior Advisor to the Secretary, Ambassador-at-Large Luis CdeBaca, will be available on the Department's website shortly after the June 16 event. Ambassador de Baca will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 pm EDT.
15. Action Request: No earlier than 12 noon local time on Monday June 15 for WHA, AF, EUR, and NEA posts and OOB local time on Tuesday June 16 for SCA and EAP posts, please inform the appropriate official in the Government of Bosnia and Herzegovina of the June 16 release of the 2009 TIP Report, drawing on the points in para 9 (at Post's discretion) and including the text of the country narrative provided in para 18. For countries where the State Department has lowered the tier ranking, it is particularly important to advise governments prior to the Report being released in Washington on June 16.
16. Action Request continued: Please note that, for those countries which will not receive an "action plan" with specific recommendations for improvement, posts should draw host governments' attention to the areas for improvement identified in the 2009 Report, especially highlighted in the "Recommendations" section of the second paragraph of the narrative text. This engagement is important to establishing the framework in which the government's performance will be judged for the 2010 Report. If posts have questions about

which governments will receive an action plan, or how they may follow up on the recommendations in the 2009 Report, please contact G/TIP and the appropriate regional bureau.

¶7. Action Request continued: On June 16, please be prepared to answer media inquiries on the Report's release using the press guidance provided in para 11. If Post wishes, a local press statement may be released on or after 10:30 am EDT June 16, drawing on the press guidance and the text of the TIP Report's country narrative provided in para 8.

¶8. Begin Final Text of Bosnia and Herzegovina,s country narrative in the 2009 TIP Report:

Bosnia and Herzegovina (TIER 2)

Bosnia and Herzegovina is primarily a source for women and girls trafficked within the country for commercial sexual exploitation, though it is also a destination and transit country for women and girls trafficked to Western Europe for the same purpose. Some victims from Serbia, Ukraine, Moldova, Romania, Iraq, and Russia are trafficked into Bosnia and Herzegovina via Serbia or Montenegro for commercial sexual exploitation. Internal trafficking continued to increase in 2008, as the majority of identified victims were Bosnian, and more than half of them were children. There were reports that some girls, particularly Roma, were trafficked for the purpose of forced marriage. Reports of Roma children trafficked for forced labor continued. Traffickers continued to force some victims to apply for asylum in order to keep their victims in the country legally. The Government of Bosnia and Herzegovina does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government continued to provide funding to NGOs to protect and assist identified trafficking victims. However, some convicted trafficking offenders received suspended sentences. Moreover, the government failed to follow through on investigations of trafficking-related complicity initiated in 2006 and 2007.

Recommendations for Bosnia and Herzegovina: Vigorously investigate and prosecute all suspected acts of trafficking-related complicity; take steps to reduce the number of suspended sentences given to convicted traffickers; increase law enforcement training to ensure that standard operating procedures regarding trafficked children and victim referrals are implemented consistently throughout Bosnia; and train local officials to use available anti-trafficking legislation.
Prosecution

The Government of Bosnia and Herzegovina sustained moderate anti-trafficking law enforcement efforts in 2008. However, the government failed to vigorously address trafficking-related complicity, and some convicted trafficking offenders continued to receive suspended sentences. The Government of Bosnia prohibits trafficking for sexual and labor exploitation through Article 186 of its criminal code, which prescribes penalties of up to 10 years, imprisonment. These penalties are sufficiently stringent and commensurate with those prescribed for other grave crimes, such as rape. Local level entities in Bosnia often use &Enticement to Prostitution⁸ laws to prosecute trafficking, which carry lesser penalties. In 2008, state and local level entities investigated a total of 94 suspected trafficking cases, 26 of which had been initiated during the preceding year. Out of the 34 traffickers prosecuted to conviction, state and local-level courts imposed prison sentences on 20 trafficking offenders. Sentences ranged from three months to six years, imprisonment. The remaining 14 convicted traffickers received suspended sentences.

There were continued reports of police and other officials, involvement in trafficking, including by willfully ignoring or actively protecting traffickers or exploiters of trafficking victims in return for payoffs. The government failed to adequately follow up on two previously reported investigations of official complicity in trafficking. A February 2006 investigation involving two State Border Police

employees has not been completed. Similarly, a December 2007 case of the alleged involvement of three local officials in the forced prostitution of three children continues to be under investigation by the State Prosecutor,s office. Although two of the nine officials accused of involvement in this case are in police custody, no official indictments have been made.

Protection

The government of Bosnia sustained its efforts to protect identified victims of trafficking in 2008. The government continued to delegate victim assistance services to six local NGOs that provided shelter, medial and psychological assistance to foreign and domestic victims. During the reporting period, the government committed \$22,400 for the care of domestic victims and allocated \$133,333 for assistance to foreign victims of trafficking. NGOs were required to apply for funding on a victim per capita basis. The government ensures that victims have access to shelter and services provided by NGOs, and it employed procedures for identifying and referring both foreign and domestic victims. Twenty-nine trafficking victims were identified in 2009, a decline from 50 identified in 2007 and 71 identified in 2006.

Twenty-two victims received assistance in Bosnian NGO shelters in 2008. Throughout the reporting period, the State Coordinator,s Office organized training for prosecutors, social workers, and other ministries on standard operating procedures for children who are victims of trafficking; however, more training is needed to ensure these procedures are consistently implemented. The government encouraged victims to assist in the prosecution of traffickers. In 2008, approximately nine victims actually testified against their traffickers. The government provided legal alternatives to the removal of foreign trafficking victims to countries where they face hardship or retribution through the provision of short- and long-term humanitarian visas. In 2008, two trafficking victims received residence permits on humanitarian grounds. Police and border officers use a screening questionnaire to evaluate potential victims among vulnerable populations. Identified victims were not penalized for unlawful acts committed as a direct result of their being trafficked.

Prevention

The Government of Bosnia funded an NGO,s operation of an anti-trafficking hotline throughout the reporting period, and the Office of the State Coordinator continued to coordinate and supervise an NGO-funded comprehensive campaign targeted at young people seeking employment abroad that included TV spots, billboards, and pamphlets. The government did not conduct any awareness campaigns specifically aimed at reducing demand for commercial sex acts or forced labor. The government continued to give specialized trafficking awareness training to Bosnian troops participating in international peacekeeping missions before deployment.

19. Post may wish to deliver the following points, which offer technical and legal background on the TIP Report process, to the host government as a non-paper with the above TIP Report country narrative:

(begin non-paper)

-- The U.S. Congress, through its passage of the 2000 Trafficking Victims Protection Act, as amended (TVPA), requires the Secretary of State to submit an annual Report to Congress. The goal of this Report is to stimulate action and create partnerships around the world in the fight against modern-day slavery. The USG approach to combating human trafficking follows the TVPA and the standards set forth in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (commonly known as the "Palermo Protocol"). The TVPA and the Palermo Protocol recognize that this is a crime in which the victims, labor or services (including in the "sex

industry") are obtained or maintained through force, fraud, or coercion, whether overt or through psychological manipulation. While much attention has focused on international flows, both the TVPA and the Palermo Protocol focus on the exploitation of the victim, and do not require a showing that the victim was moved.

-- Recent amendments to the TVPA removed the requirement that only countries with a "significant number" of trafficking victims be included in the Report. Beginning with the 2009 TIP Report, countries determined to be a country of origin, transit, or destination for victims of severe forms of trafficking are included in the Report and assigned to one of three tiers. Countries assessed as meeting the "minimum standards for the elimination of severe forms of trafficking" set forth in the TVPA are classified as Tier 1. Countries assessed as not fully complying with the minimum standards, but making significant efforts to meet those minimum standards are classified as Tier 2. Countries assessed as neither complying with the minimum standards nor making significant efforts to do so are classified as Tier 3.

-- The TVPA also requires the Secretary of State to provide a "Special Watch List" to Congress later in the year. Anti-trafficking efforts of the countries on this list are to be evaluated again in an Interim Assessment that the Secretary of State must provide to Congress by February 1 of each year. Countries are included on the "Special Watch List" if they move up in "tier" rankings in the annual TIP Report -- from 3 to 2 or from 2 to 1) or if they have been placed on the Tier 2 Watch List.

-- Tier 2 Watch List consists of Tier 2 countries determined: (1) not to have made "increasing efforts" to combat human trafficking over the past year; (2) to be making significant efforts based on commitments of anti-trafficking reforms over the next year, or (3) to have a very significant number of trafficking victims or a significantly increasing victim population. As indicated in reftel B, the TVPRA of 2008 contains a provision requiring that a country that has been included on Tier 2 Watch List for two consecutive years after the date of enactment of the TVPRA of 2008 be ranked as Tier 3. Thus, any automatic downgrade to Tier 3 pursuant to this provision would take place, at the earliest, in the 2011 TIP Report (i.e., a country would have to be ranked Tier 2 Watch List in the 2009 and 2010 Reports before being subject to Tier 3 in the 2011 Report). The new law allows for a waiver of this provision for up to two additional years upon a determination by the President that the country has developed and devoted sufficient resources to a written plan to make significant efforts to bring itself into compliance with the minimum standards.

-- Countries classified as Tier 3 may be subject to statutory restrictions for the subsequent fiscal year on non-humanitarian and non-trade-related foreign assistance and, in some circumstances, withholding of funding for participation by government officials or employees in educational and cultural exchange programs. In addition, the President could instruct the U.S. executive directors to international financial institutions to oppose loans or other utilization of funds (other than for humanitarian, trade-related or certain types of development assistance) with respect to countries on Tier 3. Countries classified as Tier 3 that take strong action within 90 days of the Report's release to show significant efforts against trafficking in persons, and thereby warrant a reassessment of their Tier classification, would avoid such sanctions. Guidelines for such actions are in the DOS-crafted action plans to be shared by Posts with host governments.

-- The 2009 TIP Report, issuing as it does in the midst of the global financial crisis, highlights high levels of trafficking for forced labor in many parts of the world and systemic contributing factors to this phenomenon: fraudulent recruitment practices and excessive recruiting fees in workers, home countries; the lack of adequate labor protections in both sending and receiving countries; and the

flawed design of some destination countries, "sponsorship systems" that do not give foreign workers adequate legal recourse when faced with conditions of forced labor. As the May 2009 ILO Global Report on Forced Labor concluded, forced labor victims suffer approximately \$20 billion in losses, and traffickers, profits are estimated at \$31 billion. The current global financial crisis threatens to increase the number of victims of forced labor and increase the associated "cost of coercion."

-- The text of the TVPA and amendments can be found on website www.state.gov/g/tip.

-- On June 16, 2009, the Secretary of State will release the ninth annual TIP Report in a public event at the State Department. We are providing you an advance copy of your country's narrative in that report. Please keep this information embargoed until 10:00 am Washington DC time June 16. The State Department will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 pm EDT.

(end non-paper)

¶10. Posts should make sure that the relevant country narrative is readily available on or through the Mission's web page in English and appropriate local language(s) as soon as possible after the TIP Report is released. Funding for translation costs will be handled as it was for the Human Rights Report. Posts needing financial assistance for translation costs should contact their regional bureau's EX office.

¶11. The following is press guidance provided for Post to use with local media.

Q1: Why was Bosnia give a ranking of Tier 2?

¶A. The Government of Bosnia and Herzegovina does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so.

Q2: How has Bosnia progressed in the past year?

¶A. The government continued to provide funding to NGOs to protect and assist identified trafficking victims. However, some convicted trafficking offenders received suspended sentences. Moreover, the government failed to follow through on investigations of trafficking-related complicity initiated in 2006 and 2007.

Q3: What can Bosnia do to improve its fight against trafficking in persons?

¶A. To enhance its anti-trafficking performance, the Government of Bosnia could: vigorously investigate and prosecute all suspected acts of trafficking-related complicity; take steps to reduce the number of suspended sentences given to convicted traffickers; increase law enforcement training to ensure that standard operating procedures regarding trafficked children and victim referrals are implemented consistently throughout Bosnia; and train local officials to use available anti-trafficking legislation.

¶12. The Department appreciates posts, assistance with the preceding action requests.

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